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THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 23] MADRAS, TUESDAY, SEPTEMBER 5, 1939

PUBLIC DEPARTMENT.

(Political.)

Commissioner of Police and District Magistrates appointed Civil Authorities under the Foreigners Order, 1939.

Fort St. George, September 5, 1939
[G.O. Ms. No. 1447, Public (Political)].

No. 45.

In exercise of the power conferred by paragraph 3 of the Foreigners Order, 1939, which has been entrusted to the Provincial Government by the Central Government, His Excellency the Governor of Madras is hereby pleased to appoint the Commissioner of Police in the City of Madras and the District Magistrate in each district to be the civil authority for the purposes of the said order.

Entrustment of powers to Provincial Governments under the Foreigners Order, 1939.

Fort St. George, September 5, 1939
[G.O. Ms. No. 1448 Public (Political)].

No. 46.

The following notification of the Government of India is republished :—

HOME DEPARTMENT.

POLITICAL (W).

Simla, the 31st August 1939.

No. 21/34/39.—It is hereby notified for general information that the functions of the Central Government under the Foreigners Order, 1939, have been entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to Provincial Governments, with their consent, subject to the condition that notwithstanding this entrustment the Central Government may itself entrust any of the said functions in any particular case or classes of cases.

(By order of His Excellency the Governor)

E. M. HOOD,
Chief Secretary.

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EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 22] MADRAS, TUESDAY, SEPTEMBER 5, 1939

LEGAL DEPARTMENT.

The Enemy Foreigners Order, 1939.

Fort St. George, September 5, 1939.

No. 10, ..

The following notification of the Government of India is republished.

HOME DEPARTMENT.

POLITICAL (W.).

The 3rd September 1939.

1 of 1939. No. 21/73/39.—In exercise of the powers conferred by sections 3, 4, 8 and 10 of the Foreigners Ordinance, 1939, the Central Government is pleased to make the following Order, namely:—

THE ENEMY FOREIGNERS ORDER, 1939

PART I.—*Preliminary.*

Short title and extent. 1. (1) This Order may be called the Enemy Foreigners Order, 1939.

(2) It extends to the whole of British India, including those excluded and partially excluded areas to which the Foreigners Ordinance, 1939, has been or may hereafter be, applied by notification under sub-section (1) of section 22 of the Government of India Act, 1935.

1 of 1939 (2 & 3 Geo. 6, c. 2).

Definitions. 2. In this Order,—

(a) "Civil Authority" means the Civil Authority appointed under paragraph 3 of the Foreigners Order, 1939;

(b) "enemy foreigner" means a foreigner who possesses the nationality of a State at war with His Majesty, or, having possessed such nationality at any time, has lost it without acquiring any other nationality;

(c) "internee" means any person arrested or liable to arrest under paragraph 9 of this Order;

1 of 1939. (d) "Ordinance" means the Foreigners Ordinance, 1939;

(e) "registered address" means the registered address as defined in the Registration of Foreigners Rules, 1939; and

(f) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939.

PART II.—*General restrictions on enemy foreigners.*

Conditions on which enemy foreigners may leave British India. 3. No enemy foreigner of the male sex who has completed the age of sixteen years shall depart from British India without the permission in writing of the Central Government.

Restrictions on residence of enemy foreigners. 4. No enemy foreigner shall change his residence without the permission in writing previously obtained of the Civil Authority for the area to which he proposes to transfer his residence.

Reports of internees and movements. 5. Every enemy foreigner not under detention or confinement shall—

(a) report his presence at his registered address once in every 24 hours to the Registration Officer, and

(b) if he is at any time absent from his registered address for more than 24 hours, report once during every day of such absence to the nearest Civil Authority.

Restrictions on movements. 6. (1) No enemy foreigner shall travel in British India over a distance of more than five miles from the place of his registered address except in accordance with the conditions, and during the validity, of a written permit previously obtained from the Civil Authority.

(2) Every permit issued in pursuance of sub-paragraph (1) shall specify the foreigner's name nationality and description, the place or places which he is authorised to visit, the purpose of the journey and the date of expiry of the permit.

Prohibited articles. 7. (1) No enemy foreigner shall have in his possession or control any firearm or ammunition.

(2) No enemy foreigner shall, without the permission of the Civil Authority, have in his possession or control—

(a) any explosive or any material capable of being used for the manufacture of an explosive;

(b) more than three gallons of inflammable liquid;

(c) any motor-car, motor-cycle, seagoing craft or aircraft;

(d) any camera or other photographic apparatus;

(e) any wireless apparatus, telephone, field glasses or signalling apparatus;

(f) any ship drawn to a scale larger than four miles to one inch;

(g) any nautical chart;

(h) any document intended for the use of members of any armed force; or

(i) any such document describing or depicting any ship, aircraft, vehicle, weapon or equipment of a kind used by the armed forces of the Crown, or any such body of persons in His Majesty's service as may be specified by an order of the Central Government.

PART III.—*Internment of enemy foreigners.*

Internment camps. 8. The Central Government may for the purposes of this Order establish internment camps at such places as it thinks fit and shall appoint a Commandant of every such camp.

Arrest of persons nearby foreigners.

9 Every enemy foreigner of the male sex who has completed the age of sixteen years and who is, or may hereafter arrive, in British India, shall forthwith be arrested by the Civil Authority for the area to which such enemy foreigner may be found and shall be surrendered, as soon as may be, to the Commandant of an internment camp.

Provided that nothing in this paragraph shall, except by an express direction of the Central Government, apply to any consul-general, consul, vice-consul, consular agent or person duly appointed by a foreign Government to exercise diplomatic functions

Provided further that if at the time of his arrest, an enemy foreigner is suffering from any infectious disease or is by reason of sickness unable to move, the Civil Authority making the arrest shall report the matter to the Commandant of an internment camp and await his instructions as to the time at which and the internment camp to which the arrested person should be removed.

Temporary detention of internees in police custody.

10 The Civil Authority shall, pending the surrender of an internee to the Commandant of an internment camp, detain or confine such internee in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which a person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898

V of 1898.

Personal property of internees.

11. (1) An internee may take with him to an internment camp such personal property as may be permitted by the Civil Authority arresting him, and may, subject to the approval of that Authority, dispose of the rest of his personal property in such manner as he desires.

(2) Where an internee is unable to make arrangements for the disposal of such of his personal property as he is not allowed to take with him to the internment camp, the property shall remain in the custody of the Civil Authority making the arrest or of such other person as may be authorised by or under any law for the time being in force to take possession of property belonging to enemy foreigners.

Arrest and detention of suspected enemy foreigners.

12 (1) The Civil Authority may arrest without warrant any enemy foreigner, other than an internee, whom it reasonably suspects of having acted, of acting or of being about to act, with intent to assist a State at war with His Majesty, or in a manner prejudicial to the public safety or to the safety of any building or machinery

(2) The Civil Authority making an arrest in pursuance of sub-paragraph (1) shall forthwith report the fact of such arrest to the Central Government, and pending the receipt of the orders of the Central Government shall detain or confine the arrested person in such manner and at such place as may to such Authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in prior custody under the provisions of the Code of Criminal Procedure, 1898.

V of 1898

PART IV.—*Supplementary.*

Delegation of powers.

13 The Commander-in-Chief in India is hereby authorised to exercise all or any of the powers conferred on the Central Government—

(a) by section 4 of the Ordinance in relation to enemy foreigners arrested and surrendered to the Commandant of any internment camp under paragraph 9 of this Order, or

(b) by paragraph 8 of this Order.

Application of Foreigners Order, 1939, and Registration of Foreigners Rules, 1939, not barred.

14 The provisions of this Order shall be in addition to, and not in derogation of, the provisions of—

(a) the Foreigners Order 1939, and

(b) the Registration of Foreigners Rules, 1939.

E CONNAT-SMITH,
Secretary to the Government of India.

(Republished by order of His Excellency the Governor)

P APPU NAIR,
Secretary to Government.

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